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BERNARD PICOT and PAUL DAVID MANOS

EX PARTE.EXT OF TIME.OPPO.BRF.wpd

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BERNARD PICOT and
PAUL DAVID MANOS,

Plaintiffs,

v.

DEAN D. WESTON, and DOES 1
through 15, inclusive,

Defendants.

CASE NO. 5:12-CV-01939 EJD

CONDITIONAL OPPOSITION
TO EX PARTE APPLICATION
FOR EXTENSION OF TIME

Hearing date: None [Ex Parte]
Hearing time: None
Dept: Courtroom 4, 5th Floor
Judge: Hon. Edward J. Davila

Action filed: March 23, 2012
Trial date: None

Having removed this action from the Santa Clara County Superior Court on April 18, 2012, DEFENDANT, DEAN D. WESTON ["WESTON"] moved for dismissal (contending a lack of personal jurisdiction and improper venue) and, in a separate motion, for transfer the case to the Eastern District of Michigan (pursuant to 28 USC 1404). ^{1/} PLAINTIFFS timely filed their opposition on May 9, 2012. [Dkt 13-17.]

The next day, counsel for WESTON asked for an extension of time to file a "reply." PLAINTIFFS promptly consented to extra time for filing a reply brief. Simultaneously, PLAINTIFFS also indicated willingness to "stipulate to an extension for supplemental evidentiary matters" but only if there was a mutual agreement for jurisdictional discovery. ^{2/} WESTON rejected that condition, but then filed his ex parte application for more time to file "Reply Briefs." ^{3/}

^{1/} All of WESTON'S pending expressly motions indicate that they are based upon the evidence set out in the opening papers.

Motion to Dismiss for Lack of Jurisdiction and Improper Venue, Dkt 9, page 2, lines 6-9:

This motion is based upon the pleadings on file in this action, the Declaration of Dean Weston in Support of Defendant's Motion to Dismiss for Lack of Personal Jurisdiction, following Memorandum of Points and Authorities, and any further briefing and/or authorities that may be presented to this Court in a Reply Brief or orally at the hearing on this motion.

Motion to Transfer, Dkt 10, page 2, lines 5-9:

This motion will be based upon this notice, the following Memorandum of Points and Authorities, the Declaration of Dean Weston in Support of Defendant's Motion to Transfer to the Eastern District of Michigan filed herewith, all papers and pleadings filed with the Court in this action, and any additional argument of authority presented in a reply brief and/or at oral argument at the hearing on this matter.

^{2/} See, Ex. "A" to Decl. Of Schwartz, Dkt 18-2, page 4.

^{3/} WESTON'S proposed order on this application limits to extension to the filing of "Reply Briefs."

/S/ THOMAS M. BOEHM

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